

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**IN RE:** ) **CHAPTER 7**  
 )  
**LANDIS RAYMOND LUCAS** ) **CASE NO. 10-76439-JB**  
**LINDA ROSEMARY LUCAS,** )  
**DEBTORS** )  
 )

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**LANDIS RAYMOND LUCAS** )  
**LINDA ROSEMARY LUCAS,** )  
**PLAINTIFF** )  
 ) **ADV NO.**  
**v.** )  
 ) **JUDGE BIHARY**  
**WELLS FARGO BANK, N.A.,** )  
**DEFENDANT** )

**COMPLAINT FOR TURNOVER OF FUNDS**  
**(11 U.S.C. Section 101 (10)(C), 11 U.S.C. Section 543, 11 U.S. C. Section 1301 et.**  
**seq., 11 U.S.C. Section 542 (a))**

COME NOW Plaintiffs, by and through their attorney of record, Boniface G. Echols, to allege and complain as follows:

**I. PARTIES AND JURISDICTION**

**II.**

1. Plaintiffs filed a Voluntary Petition in Bankruptcy for relief under Chapter 7 of Title 11 of the United States Code on June 2, 2010. Jurisdiction is vested in this proceeding pursuant to 28 U.S.C. § 157, 28 U.S.C. § 1334, and 11 U.S.C. § 523; this proceeding is a core proceeding.
2. Defendant is a foreign corporation licensed to do business in the State of Georgia with all fees and licenses paid, and otherwise is subject to the jurisdiction of this Court.
3. Defendant is a creditor in this bankruptcy proceeding.

**III. CAUSE OF ACTION**

**IV.**

4. Plaintiffs re-alleges and incorporates by reference the allegations set forth in paragraphs 1 through 3, above.
5. The Defendant, Wells Fargo Bank, N.A., placed a hold on the Debtors' checking account(s) with Wachovia Bank, N.A., which is owned by Wells Fargo Bank, N.A.. Wells Fargo Bank placed a hold in order to preserve funds for the trustee. The hold was placed on the Debtor's account post-filing, and with full knowledge that the automatic stay was in effect.
6. The Debtor's interest in the funds is the property of the Debtor's Estate in bankruptcy and is subject to turnover pursuant to 11 U.S.C. Section 101 (10)(C), 11 U.S.C. Section 543, 11 U.S. C. Section 1301 et. seq., 11 U.S.C. Section 542 (a), In Re Robinson 36 B.R. 35 (Bkrcty. 1983)

**III. PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs pray that this Court grant the following relief:

1. That the Court order the Defendant, or any authorized agent or representative of the same, to release the funds to the Debtors.
2. An order awarding Plaintiffs' its attorneys' fees and costs incurred herein; and
3. An order awarding Plaintiffs damages for fees charged by Wachovia Bank, N.A. for non sufficient funds and any other fees occurred as a result of this hold on the checking account(s) as such additional relief as this Court deems just and equitable.

Date: June 11, 2010

/S/

**Boniface G. Echols, Attorney for Plaintiffs**

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**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

|                                |   |                             |
|--------------------------------|---|-----------------------------|
| <b>IN RE:</b>                  | ) | <b>CHAPTER 13</b>           |
|                                | ) |                             |
| <b>LANDIS RAYMOND LUCAS</b>    | ) | <b>CASE NO. 10-76439-JB</b> |
| <b>LINDA ROSEMARY LUCAS,</b>   | ) |                             |
| <b>DEBTORS</b>                 | ) |                             |
|                                | ) |                             |
| -----                          |   |                             |
| <b>LANDIS RAYMOND LUCAS</b>    | ) |                             |
| <b>LINDA ROSEMARY LUCAS,</b>   | ) |                             |
| <b>PLAINTIFFS</b>              | ) |                             |
|                                | ) | <b>ADV NO.</b>              |
| <b>v.</b>                      | ) |                             |
|                                | ) | <b>JUDGE BIHARY</b>         |
| <b>WELLS FARGO BANK, N.A.,</b> | ) |                             |
| <b>DEFENDANT</b>               | ) |                             |

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served the following with a copy of the foregoing **complaint for turnover of funds** by depositing a copy with sufficient postage.

Landis Raymond Lucas  
Linda Rosemary Lucas  
289 Fox Run  
Loganville, GA 30052

Edwin K. Palmer, Trustee  
P.O. Box 1284  
Decatur, GA 30031

U.S. Trustee  
Office of the US Trustee  
Suite 362  
75 Spring Street, SW  
Atlanta, GA 30303

Wells Fargo Bank, N.A.  
Luana Tafoya  
2701 NW Vaughn Street  
Portland, OR 97210

Wells Fargo Bank, National Association (Inc.)  
101 N. Phillips Avenue  
Sioux Falls, SD 57104

Corporation Service Company  
Registered Agent for Wells Fargo Bank, National Association (Inc.)  
40 Technology Parkway South, Suite 300  
Norcross, GA 30092

Wells Fargo Bank, National Association (Inc.)  
C/o Carrie Tostedt, CEO  
101 N. Phillips Avenue  
Sioux Falls, SD 57104

Wells Fargo Bank, National Association (Inc.)  
C/o Howard I. Atkins, CFO  
101 N. Phillips Avenue  
Sioux Falls, SD 57104

Wells Fargo Bank, National Association (Inc.)  
C/o M. Keith Jackson, Secretary  
101 N. Phillips Avenue  
Sioux Falls, SD 57104

Wachovia Bank, National Association  
301 South College Street  
Charlotte, NC 28288

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40 Technology Parkway South, Suite 300  
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Wachovia Bank, National Association  
C/o John G. Stumpf, CEO  
301 South College Street  
Charlotte, NC 28288

Wachovia Bank, National Association  
C/o Howard I. Atkins, CFO  
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Charlotte, NC 28288

Wachovia Bank, National Association  
C/o Donna M. Harris, Secretary  
301 South College Street  
Charlotte, NC 28288

Date: June 12, 2010.

\_\_\_\_\_/S/  
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